

Submission of Information by Third Parties

Norway

Norway provides for the opportunity of third party observations, in the form of protests, during oppositions.

Protest before grant of patent

Pursuant to Section 35 of Regulations under the Norwegian Patent Act,¹ if, before the patent has been granted, the Norwegian Industrial Property Office (NIPO) receives a protest that is of significance to the assessment of the application, the NIPO shall notify the applicant hereof. If other novelty-destroying elements than obvious use of the invention are claimed in the protest, the NIPO Office shall immediately examine whether this means that the applicant should be notified hereof in writing. A protest will not result in any party rights. The protesting party is, as a main rule, informed of the possibility to submit an opposition.

Protest after grant of patent

It is also possible to file a protest during processing of an opposition. If such a protest is submitted, the NIPO has to take account of it during its processing of the case. The person who has submitted a protest does not, however, become a party to the case. A general letter is merely sent, in which the Norwegian Industrial Property Office confirms that the protest has been received. If the protest is of significance to the assessment of the opposition, the protest is sent to the parties in the case concerned, and they are given the opportunity to comment upon the protest.

¹ Norway Patent Regulations (2007), as amended on July 1, 2019.